

Appeal Decision

Site visit made on 27 August 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/M2840/W/24/3338273

**Lorraine Gardens, Chapel Road, Weldon, North Northamptonshire
NN17 3HP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Storm Bay Developments Limited against North Northamptonshire Council.
 - The application Ref is NC/23/00351/DPA.
 - The development proposed is described as conversion of a stone barn into a two bedroom residential semi-detached property. Previously the barn was part of a residential property but is now separated and independent.
-

Decision

1. The appeal is dismissed and planning permission refused.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended.
3. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement. While these proposed changes can only be given limited weight at this stage, those parts most relevant to the appeal are not proposed to be amended. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
4. The appeal site was the subject of a recent appeal decision¹, which was dismissed. I recognise the differences between the schemes. Nevertheless, this decision is a significant material planning consideration in the determination of the current appeal.

¹ APP/M2840/W/22/3310373 issued 25 May 2023 (LPA planning application reference NC/22/00023/DPA)

Background and Main Issue

5. Following the submission of the appeal against non-determination the Council has clarified its position stating that they declined to determine the application under the provisions of Section 70A of the Town and Country Planning Act 1990 (as amended). The reason for this is that they state the application is substantially the same as the previously refused planning application that was subsequently dismissed at appeal.
6. Having regard to the appeal submissions of the appellant, the Council and interested parties, the main issue is the effect of the proposed development on the living conditions of neighbouring occupiers and highway safety, having particular regard to parking provision and vehicle movements.

Reasons

7. The appeal site is located off a private drive, set behind an existing dwelling (No 6) that fronts Chapel Road. The existing building comprises a stone barn set over two-storeys and is perpendicular to the access road. A garage and an area of hardstanding is located adjacent to the barn. Beyond the appeal site is a close-knit cluster of dwellings. These properties have habitable room windows which face directly onto the narrow access drive of Lorraine Gardens.
8. Chapel Road is a narrow highway that runs through the settlement with narrow footways on either side of the carriageway. Although only a snapshot of time, I observed some parking half on the road and half on the pavement in the vicinity of the appeal site.
9. The appellant states that there are no traffic accident reports for the road. However, from the information before me there is little evidence to substantiate this. Nevertheless, this is not determinative to the appeal proposal before me.
10. In accordance with the Northamptonshire County Council Northamptonshire Parking Standards 2016 (NCCNPS) for housing developments of 2 or 3-bedrooms 2 parking spaces plus 1 visitor space per dwelling is required. Three car parking spaces are proposed for the new residential unit; one of which would be located to the front of an existing garage. Accordingly, the proposal would provide a satisfactory level of parking provision for the future occupiers of the dwelling.
11. The appellant asserts that whilst the barn previously formed part of No 6 Chapel Road it is now in separate ownership and benefits from separate car parking that falls outside the appeal site boundary. I have no evidence to the contrary in this regard.
12. The appellants statement notes that the drive currently serves 4no properties and that the addition of a dwelling would bring that number to 5. This leads me to question where parking for No 6 is located due to the restrictive nature of Lorraine Gardens and the immediate vicinity of the appeal site. Moreover, the appellants statement appears to indicate an increase in the use of the private drive.

13. I accept that the proposal would not exceed more than five dwellings being served from the access. However, I concur with the previous Inspector that the restriction on the number of dwellings is not the only means of ensuring the living conditions of neighbouring residents would be acceptable and that each unit would also need to be provided with sufficient parking and manoeuvring space.
14. There is some evidence from interested parties regarding parking saturation in the immediate vicinity of the appeal site. Regardless of the number of bedrooms the proposal is for an additional dwelling. Accordingly, as an independent property there would be an increase in vehicle movements from future occupiers and associated visitors and deliveries. Given the limited space within Lorraine Gardens, windows serving neighbouring properties face onto the access drive and are proximate to the turning area. I consider that noise and disturbance associated with the car parking and increased vehicle movements would diminish the living conditions of the existing occupiers. In this regard there is insufficient evidence before me to overcome the concerns of the previous Inspector.
15. The Council Highways department has provided comments. A lack of objection from the Council highways department does not equate to support or demonstrate that the development is acceptable in this regard.
16. The scheme would provide for parking in accordance with the NCCNPS for the proposed dwelling, and I am satisfied that the proposal would not result in severe residual cumulative impacts on the road network when assessed against paragraph 115 of the Framework. However, given the restrictive nature of the driveway, combined with the proximity of existing residential properties, I cannot be satisfied that the proposal would not materially harm the living conditions of existing occupiers by reason of noise and disturbance associated with an additional dwelling.
17. For the reasons stated, I conclude that the proposal would result in harm to the living conditions of neighbouring occupiers, having particular regard to parking provision and vehicle movements. The proposal therefore conflicts with Policy 8 of the North Northamptonshire Joint Core Strategy 2016, which amongst other things, seeks to ensure that development makes safe and pleasant streets ensuring satisfactory provision of parking, servicing and manoeuvring and seeks to protect the living conditions of neighbouring properties.

Other Matters

18. The Council Highways note that the red line boundary does not extend to the public highway implying no right of access to/from the public highway. The Planning Practice Guidance² stipulates that: "The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)". I am mindful that the scheme would need a section of access road in order for the proposed development to function. Accordingly, the submitted location plan fails to identify all land

² Paragraph: 024 Reference ID: 14-024-20140306

necessary for access to the site from a public highway. Reliance upon a Grampian condition to secure access, particularly when ownership of the intervening land has not been proven, is not adequate. I therefore cannot be satisfied that the proposal would have an appropriate access.

19. The site is located within an urban area and the principle of the development is not disputed. The proposal would deliver a dwelling that could be built-out quickly, add to the choice of homes and supporting the government's objective to boost the supply of housing. There would be some economic benefits associated with the construction phase and as future occupiers would feed into the local economy. There would be some social benefits derived from support to local services and facilities within the locality. However, given the scale of the development proposed these benefits would be limited.
20. The boundaries of the Weldon Conservation Area (CA) encapsulate the appeal site. I have therefore born in mind the statutory requirements placed upon decision-makers by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).
21. The barn is an attractive traditional building, constructed in stone, that positively contributes to the character and appearance, and historical significance of the CA. It is not disputed between the parties that the proposed development would have a limited impact on the fabric of the existing building. From the evidence before me, and as observed at my site visit, I have no reason to reach a different view. I am therefore satisfied that the proposal would preserve the character and appearance of the CA and no conflict arises in respect of the Act.

Conclusion

22. My above findings bring the proposal into conflict with the development plan when read as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it.
23. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

R Gee

INSPECTOR